
UNITED STATES OF AMERICA

v.

DAVID MATTHEW HICKS

)
)
) **GOVERNMENT NOTICE**
) **OF MOTION**
) **(Conclusive Notice)**
)

) 23 July 2004
)
)

The Prosecution in the case of the *United States v. David Matthew Hicks* provides the following notice of motion:

1. This Notice is filed in accordance with the Presiding Officer's Order of 19 July 2004.
2. Relief Requested: The Prosecution will seek conclusive notice of certain facts relevant to the above-styled case.
3. Synopsis of Legal Theory: Military Commission Order No.1 § 6(D)(4) allows the Commission to take "conclusive" notice of facts that are not subject to reasonable dispute. If, during the course of pre-trial discussions regarding proposed evidence and stipulations of fact, the parties cannot come to an agreement, the Prosecution will seek conclusive notice of certain facts.
4. Witnesses and Evidence: The determination of necessary witnesses and evidence will depend on the particular facts submitted for notice.
5. Oral Argument: The Prosecution requests oral argument on this motion.
6. Request for an Extension of Time: Because the facts that the Prosecution will seek to have conclusively noticed are subject to potential agreement or stipulation by the parties, the Prosecution respectfully requests an extension of the filing deadline for this motion until such time as discovery is nearer to completion, the parties have had an opportunity to engage in appropriate discussions, and a trial date has been established.

//signed//

NAME REDACTED

Lieutenant Colonel, U.S. Marine Corps
Prosecutor

Revised: The names of prosecutors were redacted at the request of the Office of Military Commissions.